



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 2280-00
24 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you were released from active duty in the Marine Corps on 23 February 1990, and transferred to the Marine Corps Reserve. You were assigned a reenlistment code of RE-1A, which indicates that you were qualified and recommended for reenlistment, but declined to reenlist. Although you underwent surgery for the removal of a neuroma shortly before your release from active duty, there is no indication that the condition rendered you unfit for duty on the day of your release. The Board noted that there is no requirement that a service member be held on active duty until full healing of a surgical wound has been attained. In addition, it noted that the Marine Corps would have had no authority to retain you on active duty without your consent. The Board also noted that the residuals of your surgery were minimal at that time, and were rated by the Department of Veterans Affairs as 0% disabling effective the day following your release from active duty. Later increases in that rating, although made retroactive to 1990, were based on changes in the severity of the condition which occurred over the next five years, and do not indicate that it was severe or unfitting in 1990.

With regard to your depressive disorder, the Board noted that although you complained of depressive symptoms on several occasions during your enlistment, you declined psychiatric evaluation and treatment. There is no indication that you were suffering from significant depression at the time of your release from active duty or for years thereafter, or that you were unfit to perform your military duties because of a depressive disorder.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director